

## REMARKS

### Summary of the Office Action

Claims 1, 3-6, 8-9 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta et al. (U.S. Patent Application Publication No. 2003/0034496) (hereinafter "Yoneta") in view of Akahori et al. (U.S. Patent Application Publication No. 2001/0045577) (hereinafter "Akahori").

Claims 2-3 and 7-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Akahori, and further in view of Allison (U.S. Patent No. 3,748,546) (hereinafter "Allison").

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Akahori as applied to claims 1 and 6, and further in view of Albagli et al. (U.S. Patent Application Publication No. 2005/0072931) (hereinafter "Albagli").

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Akahori and Albagli as applied to claim 10 above, and further in view of Yoshida et al. (U.S. Patent No. 5,386,122) (hereinafter "Yoshida").

### Summary of the Response to the Office Action

Applicants have amended claims 2-5, 10, 12 and 14, and canceled claims 1, 6-9, 11, 13 and 15 without prejudice or disclaimer and without concession to the rejections in the Office Action, as will be discussed in detail in the following section. Accordingly, claims 2-5, 10, 12 and 14 remain currently pending for consideration.

**Rejection under 35 U.S.C. § 103(a) and Statement of Substance of Examiner Interview**

Claims 1, 3-6, 8-9 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Akahori. Claims 2-3 and 7-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Akahori and further in view of Allison. Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Akahori as applied to claims 1 and 6, and further in view of Albagli. Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneta in view of Akahori and Albagli as applied to claim 10 above, and further in view of Yoshida.

U.S. Patent and Trademark Office Examiner Reema Patel is thanked for the courtesies extended to Applicants' undersigned representative in a telephone interview conducted on February 19, 2008 in connection with the instant application.

In particular, Applicants' undersigned representative explained to the Examiner in this telephone interview that while the Office Action applies Akahori et al. (U.S. Patent Application Publication No. 2001/0045577) (hereinafter "Akahori") as allegedly teaching a "resin film" as described in each of independent claims 1, 6 and 7 of the instant application, Applicants' position is that Akahori does not disclose such a resin film. Applicants' undersigned representative explained that while Akahori discloses a silicon oxide film 3 (in Fig. 2), silicon oxide is not resin. Even further, silicon oxide does not function as a cushion layer.

Applicants' undersigned representative went on to explain that Applicants had already asserted this point in the first full sentence of page 10, for example, of the Amendment filed on August 29, 2007 in which Applicants explained that "while Akahori discloses a silicon oxide film 3 in Fig. 2, the silicon oxide is not the resin described in the claims of the instant

application.” Applicants’ undersigned representative indicated to the Examiner that the Final Office Action dated November 28, 2007 did not specifically address this important point, even though it was specifically argued in the Amendment filed on August 29, 2007. Accordingly, Applicants’ undersigned representative questioned the Examiner as to whether the Final Office Action was proper under MPEP § 706.07 which provides directives as to the form of the statement of a grounds of a final rejection to be applied by a Patent Examiner. It states that “...the final rejection ... should include a rebuttal of any arguments raised in the applicant’s reply (emphasis added).”

In the telephone interview, with regard to this point of the form of the final rejection, the Examiner noted that she took the above-described first full sentence of page 10 of the Amendment filed on August 29, 2007 as being a mere conclusion of the arguments presented earlier in that paragraph (which spans pages 9-10 of the Amendment filed on August 29, 2007) regarding the “resin film which functions as a cushion layer.” Also, the Examiner mentioned that she understood that the “cushion layer” was the principle argument being made because each of the independent claims were amended in that regard in the Amendment filed on August 29, 2007.

In response, Applicants’ undersigned representative explained Applicants’ position that this point of silicon oxide not being resin was in fact clearly presented in the first full sentence of page 10, for example, of the Amendment filed on August 29, 2007. Also, Applicants’ undersigned representative pointed out that Akahori is assigned to the same company as the instant application and thus Applicants are well familiar with the disclosure of Akahori.

The Examiner agreed that she understands, at least preliminarily, that there is a difference between the silicon oxide film of Akahori and the resin film of the claims of the instant application. However, the Examiner noted that she would need to consider this technical point in more detail before reaching any final conclusions in that regard. However, the Examiner noted that if each of the independent claims were amended to further specify which types of resin are intended to be covered by the claims, as described, for example, at paragraph [100] of the instant application's specification, then such an amendment would overcome the art of record.

Applicants' undersigned representative responded that since Akahori does not disclose a resin film to any extent, it appears that such a further amendment in such a regard might be unnecessary at this time.

Applicants note that the above-discussed first full sentence of page 10, for example, of the Amendment filed on August 29, 2007 was not a mere "technical conclusion" as asserted by the Examiner in the telephone interview, but is instead an additional technical assertion that silicon oxide is not resin and thus the disclosure of Akahori does not teach, or even suggest, the resin film described in each of the independent claims of the instant application.

Even further, while Applicants do not necessarily concede to the rejection in the Final Office Action for reasons such as those set forth above, Applicants have amended claims 2-5, 10, 12 and 14, and canceled claims 1, 6-9, 11, 13 and 15 without prejudice or disclaimer and without concession to the rejections in the Office Action. More particularly, the features of previous dependent claim 15 have been rewritten into a new independent claim 10 by adding the features of previous claims 1 and 15 to claim 10. These amendments are being made in order to expedite

the prosecution of this application despite the fact that Applicants do not necessarily concede to the rejections in the Final Office Action for at least the above-stated reasons.

Applicants respectfully submit that the combination of features described in newly-amended independent claim 10 of the instant application are supported, for example, in paragraph [100] of the specification of the instant application. Applicants respectfully request that the instant Amendment after Final Rejection be entered because claim 15 has already been considered by the Examiner. Also, the foregoing issues were discussed with the Examiner during the above-summarized Examiner Interview of February 19, 2008. Accordingly, Applicants believe that this application is now in condition for allowance because the applied art of record does not meet the combination of features described in newly-amended independent claim 10 of the instant application for at least the foregoing reasons.

Applicants have made a substantial effort to advance the prosecution of this application both by: 1) conducting the personal interview on February 19, 2008 with Examiner Reema Patel, and by 2) amending the claims in the instant Amendment paper to expedite the prosecution of this application. In light of this, Applicants request that this Amendment after Final Rejection be entered at this time. No new issues are being raised by the instant paper. In this regard, Applicants note again the above-discussed directives of MPEP § 706.07 regarding specific directives for the form of a final rejection to be applied by a Patent Examiner. In the event that the Examiner does not agree that the instant Amendment places this application in condition for allowance, a courtesy telephone call to Applicants' undersigned representative at 202-842-8812 would be greatly appreciated to discuss any possible other approach for advancing the prosecution of this application. Alternatively, or in addition, it is respectfully requested that the

finality of the Office Action dated November 28, 2007 be withdrawn for at least the foregoing reasons.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because none of the applied art, whether taken singly or combined, teach or suggest each feature of independent claim 10, as newly-amended, for at least the foregoing reasons. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from claim 10, and the reasons set forth above.

### **CONCLUSION**

In view of the foregoing discussion, Applicants respectfully request the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: February 26, 2008

By:

A handwritten signature in black ink, appearing to read "Paul A. Fournier", written over a horizontal line.

Paul A. Fournier

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